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M O N R O E T O W N B O A R D

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P U B L I C H E A R I N G

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EXTENSION OF MORATORIUM

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DECISIONS

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GOLDEN RAY, BMG HOLDING, HENRY FARMS, CHAB 5,
CONGREGATION B'NAI LUZER.

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Monroe, New York

8

September 14, 2016

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Monroe Senior Center

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101 Mine Road

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Monroe, New York

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PRESENT:

15

SUPERVISOR HARLEY DOLES DAVID LYNCH, ESQ

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COUNCILMAN ANTHONY CARDONE

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COUNCILMAN MICHAEL MCGINN

18

COUNCILMAN GERARD McQUADE

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ALSO PRESENT:

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RONALD S. KOSSAR
402 East Main Street
Middletown, NY 10940

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PROCEEDINGS

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SUPERVISOR DOLES: This is the
special meeting for seven o'clock. If we could all
rise for the pledge of allegiance.

(Pledge of allegiance.)

SUPERVISOR DOLES: Good evening,
ladies and gentlemen, and thank for your attendance.
This is kind of a big moment in the history in the
Town of Monroe. We are here to review and vote on
the five hardship variances that had been subject to
the moratorium.

Please let the record show in
attendance is our Councilmen McGinn, McQuade,
Cardone and Supervisor Doles, as well as Counsel for
the Town of Monroe, Dennis Lynch, as well Alex
Lavado, our Deputy Town Clerk.

There are five hardship variances.
Many of you are aware of the issues, many of you
have opined, you voiced your support or concerns, or
your rejection of some of these, and we listened.
This is the way it will unfold this evening. It
will be done in the following way. First we'll
have, unless there is a prohibition or a procedural
issue that I am not aware of, and that's what Mr.
Lynch is here for, to advise us, we'll list first

PROCEEDINGS

1 Golden Ray, then BMG Holding, Henry Farms, CHAB 5,
2 and then Congregation B'nai Luzer.

3 That being said, I believe Counsel,
4 Mr. Lynch, would probably like to make an opening
5 remark regarding some of these, however he would
6 like to move forward with it either on an individual
7 basis or in a collective way, that's probably
8 something counsel is more familiar with than anybody
9 here.

10 MR. LYNCH: Thank you,
11 Mr. Supervisor. Given that there has been a written
12 threat of litigation by one of the attorneys present
13 tonight, I would recommend that we briefly adjourn,
14 very briefly adjourn to executive session so that I
15 could outline that particular threat and it's impact
16 on tonight's proceedings.

17 I would ask the Board to consider
18 going into executive session briefly based upon the
19 threatened litigation.

20 MR. MCGINN: I'll make that motion.

21 MR. MCQUADE: Second.

22 SUPERVISOR DOLES: Let me just add to
23 this. I know that Mr. Lynch and Mr. Nugent have not
24 only mentioned it to the public but also written
25 that this is pretty much of an ordinary tactic that

PROCEEDINGS

1 is used to try to stop boards from doing what they
2 consider to be vital for the public good. So I
3 believe that we need to listen to Mr. Lynch. We've
4 already listened to the threat of being sued and
5 it's not something which we are unaccustomed to. I
6 know that other communities in the surrounding areas
7 they have been threatened and they have been sued
8 and they prevailed.

9 MR. MCGINN: Can we just call this to
10 vote? Let's have a conversation in the back. Let's
11 call this to a vote, and have a conversation in the
12 back.

13 SUPERVISOR DOLES: That these threats
14 are not something that are extraordinary. That
15 these tactics are something that is used by these
16 developers to be able to put us in a position that
17 we're supposed to tremble, and we're not going to
18 tremble this evening.

19 MR. MCGINN: I say yes. Mr. Doles,
20 let's go into executive session.

21 SUPERVISOR DOLES: Call the question,
22 call the question.

23 ALL: Aye.

24 (Board enters executive session.)

25 MR. MCGINN: I make a motion to come

PROCEEDINGS

1 out of executive session.

2 MR. McQUADE: I'll second.

3 SUPERVISOR DOLES: Call the question.

4 ALL: Aye.

5 SUPERVISOR DOLES: The first item
6 here is going to be Golden Ray. We need a motion.

7 MR. MCGINN: I make a motion that we
8 deny the application.

9 SUPERVISOR DOLES: We need a second.

10 MR. CARDONE: Second.

11 SUPERVISOR DOLES: Any discussion?

12 MR. McQUADE: Was that worded
13 correctly, Mr. Lynch?

14 MR. LYNCH: If you wish to deny the
15 application, it's worded correctly. The motion was
16 to deny the application for a variance for a waiver
17 from the moratorium law. That was the motion as I
18 understood it.

19 SUPERVISOR DOLES: Any further
20 discussion? Call the question.

21 ALL: Aye.

22 MR. LYNCH: What is the next, Mr.
23 Supervisor?

24 SUPERVISOR DOLES: BMG Holding.

25 MR. LYNCH: There is a memorandum

PROCEEDINGS

1 which I want to give to the Board members.

2 (Handing.) Let the record reflect that I am handing
3 out a memorandum of that particular case.

4 MR. CARDONE: I will make a motion to
5 deny the variance or waiver from the moratorium for
6 BMG Monroe I, LLC.

7 MR. MCGINN: I'll second it.

8 SUPERVISOR DOLES: Any discussion?

9 MR. McQUADE: Just because my hearing
10 isn't great, I was dealing with loud stuff today.
11 You said deny, right?

12 MR. CARDONE: Yes.

13 MR. McQUADE: Okay, I'm sorry. Thank
14 you.

15 MR. LYNCH: I think the application
16 was to make a motion to deny the application for a
17 waiver for an exemption from the hardship
18 moratorium.

19 MR. McQUADE: I understand.

20 MR. MCGINN: There was a second.

21 SUPERVISOR DOLES: Any further
22 discussion? If not, I'll call the question.

23 MR. MCGINN: Aye.

24 MR. McQUADE: Aye.

25 MR. CARDONE: Aye.

PROCEEDINGS

1 SUPERVISOR DOLES: I abstain for
2 reasons which was stated in the previous public
3 hearing regarding BMG.

4 SUPERVISOR DOLES: The next item is
5 Henry Farms.

6 MR. LYNCH: Just for the record,
7 Supervisor, what's the other name of that particular
8 one?

9 MR. MCGINN: Henry Farms?

10 SUPERVISOR DOLES: Henry Farms.
11 Highview Properties.

12 MR. LYNCH: For the record I am
13 handing out a Memorandum of Highview Properties, DHF
14 Inc.

15 MR. MCQUADE: I'd like to make the
16 motion on DHF Incorporated, otherwise known as Henry
17 Farms Realty subdivision. My motion would be to
18 deny the variance or waiver from the moratorium.
19 That means to deny it.

20 MR. CARDONE: I'll second it.

21 SUPERVISOR DOLES: Any discussion?
22 Call the question.

23 ALL: Aye.

24 SUPERVISOR DOLES: The next item is
25 CHAB 5.

PROCEEDINGS

1 MR. LYNCH: Mr. Supervisor, let the
2 record reflect that I am handing to each member of
3 the Board a legal document of attorney
4 communications.

5 MR. MCGINN: I'll make the motion on
6 the matter of CHAB 5 Realty that their application
7 for waiver from the moratorium that we deny it.

8 SUPERVISOR DOLES: We need a second.

9 MR. CARDONE: I'll second it.

10 SUPERVISOR DOLES: Any discussion?
11 Call the question.

12 ALL: Aye.

13 SUPERVISOR DOLES: The last item is
14 Congregation B'nai Luzer, I believe it's
15 Incorporated.

16 MR. LYNCH: Mr. Supervisor, let the
17 record reflect I am giving each Town Board member
18 including the supervisor a legal document, an
19 attorney-client privileged communication.

20 SUPERVISOR DOLES: Gentlemen?

21 MR. MCQUADE: I will make a motion on
22 the Matter of the Application of Congregation B'nai
23 Luzer Incorporated, otherwise known as Forest Edge
24 Subdivision. I am making a motion in order to deny
25 the variance or waiver from the moratorium.

PROCEEDINGS

1 MR. MCGINN: I'll second it.

2 SUPERVISOR DOLES: Any discussion?

3 Call the question.

4 MR. MCGINN: Aye.

5 MR. MCQUADE: Aye.

6 MR. CARDONE: Aye.

7 SUPERVISOR DOLES: Abstain for
8 reasons previously stated.

9 Gentlemen, thank you very much. We
10 have concluded the five items which were cited for a
11 public hearing.

12 I want to thank the members of the
13 board, and in particular our attorney Mr. Lynch, for
14 his efforts in trying to guide us through this
15 extremely profoundly dense material and again the
16 representatives that helped and in particular all of
17 you out there. So on behalf of the Town of Monroe
18 we want to thank you.

19 (END OF PUBLIC HEARING.)

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CERTIFICATION

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I, Karen Strauss, a Stenographic Reporter
and Notary Public within and for the State of
New York, hereby certify:

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That this is to certify that the above
Village Hearing hereinbefore set forth is a
true and accurate transcription of my
stenographic notes; and

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That I am not related to any of the
parties to this action by blood or marriage
and I am in no way interested in the outcome
of this matter.

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Karen G. Strauss

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Court Reporter

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